

² Appellant submitted additional evidence on appeal after OWCP rendered its May 10, 2017 decision. The Board's jurisdiction is limited to reviewing the evidence that was before OWCP at the time of its final decision. Therefore, this additional evidence cannot be considered by the Board for the first time on appeal. 20 C.F.R. § 501.2(c)(1).

FACTUAL HISTORY

On March 30, 2017 appellant, then a 49-year-old store checker, filed a traumatic injury claim (Form CA-1) alleging that, while unloading and restocking cans onto shelves for four hours on December 15, 2016, she developed right lateral epicondylitis and myofascial tender points in her right arm. She did not stop work.

In an April 5, 2017 letter, OWCP advised appellant to submit additional information including a comprehensive medical report from her treating physician providing a reasoned explanation as to how the specific work factors or incidents identified by appellant had contributed to her claimed injury. It allotted appellant 30 days to submit the requested evidence. No additional evidence was received.

In a May 10, 2017 decision, OWCP accepted that the December 15, 2016 employment incident occurred as alleged. However, it denied the claim finding that appellant failed to submit medical evidence sufficient to establish a diagnosed medical condition causally related to the accepted work incident.

LEGAL PRECEDENT

An employee seeking benefits under FECA³ has the burden of proof to establish the essential elements of his or her claim, including the fact that the individual is an employee of the United States within the meaning of FECA, that the claim was filed within the applicable time limitation of FECA, that an injury was sustained in the performance of duty as alleged and that any disability or specific condition for which compensation is claimed is causally related to the employment injury. These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.⁴

To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it first must be determined whether fact of injury has been established. There are two components involved in establishing fact of injury. First, the employee must submit sufficient evidence to establish that she actually experienced the employment incident at the time, place, and in the manner alleged. Second, the employee must submit medical evidence to establish that the employment incident caused a personal injury.⁵

Rationalized medical opinion evidence is generally required to establish causal relationship. The opinion of the physician must be based on a complete factual and medical background, must be one of reasonable medical certainty, and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.⁶

³ *Supra* note 1.

⁴ *Gary J. Watling*, 52 ECAB 357 (2001).

⁵ *T.H.*, 59 ECAB 388 (2008).

⁶ *I.J.*, 59 ECAB 408 (2008); *Victor J. Woodhams*, 41 ECAB 345 (1989).

ANALYSIS

It is undisputed that on December 15, 2016 appellant was performing her store checker duties, which included unloading and restocking cans onto shelves for four hours. However, the Board finds that she has failed to submit medical evidence establishing that this work incident caused or aggravated a right elbow and arm injury.

In a letter dated April 5, 2017, OWCP requested that appellant submit a comprehensive report from her treating physician which included a reasoned explanation as to how the accepted work incident had caused her claimed injury. However, no medical evidence was submitted prior to OWCP's decision of May 10, 2017. Consequently, the Board finds that appellant did not meet her burden of proof by submitting medical evidence to OWCP establishing that her work duties caused or contributed to her diagnosed medical condition.

As noted, part of appellant's burden of proof includes the submission of rationalized medical opinion evidence, based on a complete factual and medical background, supporting such causal relationship between the employment incident and the diagnosed condition.⁷ The record contains no medical evidence. Because appellant has not submitted reasoned medical evidence explaining how and why her right elbow and right arm condition was employment related, she has not met her burden of proof.

Appellant may submit new evidence or argument with a written request for reconsideration to OWCP within one year of this merit decision, pursuant to 5 U.S.C. § 8128(a) and 20 C.F.R. §§ 10.605 through 10.607.

CONCLUSION

The Board finds that appellant did not meet her burden of proof to establish a right elbow and right arm injury causally related to the accepted December 15, 2016 employment incident.

⁷ See *id.*

ORDER

IT IS HEREBY ORDERED THAT the May 10, 2017 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: December 27, 2017
Washington, DC

Christopher J. Godfrey, Chief Judge
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board